

**A SUBSTITUTE ORDINANCE
BY TRANSPORTATION COMMITTEE**

10-O-0281

A SUBSTITUTE ORDINANCE, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE OF AMENDING CHAPTER 162 (ENTITLED “VEHICLES FOR HIRE”), AT ARTICLE IV (ENTITLED “WRECKERS AND TOWING SERVICES”), SECTION 162-234, IN ORDER TO PERMIT THE TOWING OF PARKED VEHICLES IN VIOLATION OF CHAPTER 150 (ENTITLED “TRAFFIC AND VEHICLES”); AND FOR OTHER PURPOSES.

WHEREAS, the City recently amended Section 150-88 at subsection 150-88(c)(6) of the Atlanta City Code so as to permit the towing of immobilized vehicles where all associated tickets, fees, and fines for said vehicle have not been satisfied within twenty-four (24) hours of vehicle immobilization; and

WHEREAS, Section 162-234 of the Atlanta City Code now provides that a vehicle shall not be towed by a wrecker service summoned to provide such service where the operator of the vehicle returns to the location prior to the wrecker vehicle having left the location; and

WHEREAS, Section 162-234 of the Atlanta City Code needs to be amended so as to permit the towing of any immobilized vehicle after twenty-four (24) hours have elapsed should the owner or operator fail to satisfy all tickets, fees, and fines assessed against said vehicle irrespective of the arrival and presence of the operator of the vehicle prior to the removal of the vehicle by the wrecker service.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS,
as follows:**

SECTION 1: Section 162-234 of the City of Atlanta Code of Ordinances presently provides as follows:

Sec. 162-234. Vehicle not towed upon operator returning.

The operator of any wrecker service vehicle summoned to tow away any vehicle, whether on a public street, public property or private property, shall not tow the vehicle away and shall not charge any fee if the operator of the vehicle returns prior to the wrecker vehicle having left the location to which summoned and moves the vehicle immediately and prior to the wrecker vehicle having left the location to which summoned.

SECTION 2: Section 162-234 of the City of Atlanta Code of Ordinances is hereby amended, as set out below with additions in bold text.

Sec. 162-234. Vehicle not towed upon operator returning.

The operator of any wrecker service vehicle summoned to tow away any vehicle whether on a public street, public property or private property, shall not tow the vehicle away and shall not

charge any fee if the operator of the vehicle returns prior to the wrecker vehicle having left the location to which summoned and moves the vehicle immediately and prior to the wrecker vehicle having left the location to which summoned.

Exception to this provision is the requirement of Section 150-88(c)(6) of the Atlanta City Code of Ordinances, which specifically authorizes and requires the towing, after a twenty-four (24) hour grace period, of vehicles immobilized in the public right-of-way in accordance with Section 150-88(h) where such vehicles are immobilized for having three or more unsatisfied delinquent parking tickets, fees and fines. These immobilized vehicles will be towed irrespective of the presence of the operator of the vehicle at the time of the vehicle's removal by the wrecker service.

SECTION 3: Section 162-234 of the City of Atlanta Code of Ordinances, after being amended as described in Section 2 above, will read as follows:

Sec. 162-234. Vehicle not towed upon operator returning.

The operator of any wrecker service vehicle summoned to tow away any vehicle whether on a public street, public property or private property, shall not tow the vehicle away and shall not charge any fee if the operator of the vehicle returns prior to the wrecker vehicle having left the location to which summoned and moves the vehicle immediately and prior to the wrecker vehicle having left the location to which summoned.

Exception to this provision is the requirement of Section 150-88(c)(6) of the Atlanta City Code of Ordinances, which specifically authorizes and requires the towing, after a twenty-four (24) hour grace period, of vehicles immobilized in the public right-of-way in accordance with Section 150-88(h) where such vehicles are immobilized for having three or more unsatisfied delinquent parking tickets, fees and fines. These immobilized vehicles will be towed irrespective of the presence of the operator of the vehicle at the time of the vehicle's removal by the wrecker service.

SECTION 4: All ordinances or parts of ordinances in conflict with this ordinance are hereby waived to the extent of any such conflict.

**AN ORDINANCE BY
TRANSPORTATION COMMITTEE**

AN ORDINANCE, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE OF AMENDING CHAPTER 162 (ENTITLED "VEHICLES FOR HIRE"), AT ARTICLE IV (ENTITLED "WRECKERS AND TOWING SERVICES"), SECTION 162-234, AND AT ARTICLE V (ENTITLED "VEHICLE IMMOBILIZATION SERVICES"), SECTION 162-266, IN ORDER TO PERMIT THE IMMOBILIZATION AND TOWING OF PARKED VEHICLES IN VIOLATION OF CHAPTER 150 (ENTITLED "TRAFFIC AND VEHICLES"), ARTICLE IV (ENTITLED "STOPPING, STANDING AND PARKING"), SECTIONS 150-88 (c)(6) AND 150-88(h); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") recently amended Section 150-88 at subsection 150-88(h) of the Atlanta City Code so as to permit the immobilization of vehicles parked in the public right-of-way where said vehicles have three or more delinquent parking tickets; and

WHEREAS, the City recently amended Section 150-88 at subsection 150-88(c)(6) of the Atlanta City Code so as to permit the towing of immobilized vehicles where all associated tickets, fees, and fines for said vehicle have not been satisfied within twenty-four (24) hours of vehicle immobilization; and

WHEREAS, Section 162-234 of the Atlanta City Code now provides that a vehicle shall not be towed by a wrecker service summoned to provide such service where the operator of the vehicle returns to the location prior to the wrecker vehicle having left the location; and

WHEREAS, Section 162-234 of the Atlanta City Code needs to be amended so as to permit the towing of any immobilized vehicle after twenty-four (24) hours have elapsed should the owner or operator fail to satisfy all tickets, fees, and fines assessed against said vehicle irrespective of the arrival and presence of the operator of the vehicle prior to the removal of the vehicle by the wrecker service; and

WHEREAS, Section 162-266 of the Atlanta City Code now provides that a vehicle shall not be immobilized and shall not be charged a fee if the driver of the vehicle returns before the installation of the vehicle immobilization device is complete; and

WHEREAS, Section 162-266 of the Atlanta City Code needs to be amended so as to permit the immobilization of any vehicle should that vehicle have three or more delinquent parking tickets, irrespective of the arrival and presence of the operator of the vehicle prior to the completion of the installation of the immobilization device.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS,
as follows:**

SECTION 1: Section 162-234 of the City of Atlanta Code of Ordinances presently provides as follows:

Sec. 162-234. Vehicle not towed upon operator returning.

The operator of any wrecker service vehicle summoned to tow away any vehicle, whether on a public street, public property or private property, shall not tow the vehicle away and shall not charge any fee if the operator of the vehicle returns prior to the wrecker vehicle having left the location to which summoned and moves the vehicle immediately and prior to the wrecker vehicle having left the location to which summoned.

SECTION 2: Section 162-234 of the City of Atlanta Code of Ordinances is hereby amended, as set out below in bold text.

Sec. 162-234. Vehicle not towed upon operator returning.

Subject to the provisions of Section 150-88(c)(6) of the Atlanta City Code of Ordinances, which specifically authorizes and requires the towing, after a twenty-four (24) hour grace period, of immobilized vehicles with unsatisfied tickets, fees and fines, the operator of any wrecker service vehicle summoned to tow away any vehicle, whether on a public street, public property or private property, shall not tow the vehicle away and shall not charge any fee if the operator of the vehicle returns prior to the wrecker vehicle having left the location to which summoned and moves the vehicle immediately and prior to the wrecker vehicle having left the location to which summoned.

(e) It shall be unlawful for either a vehicle immobilization service or an operator to immobilize any vehicle located on any portion of a public street within the city, unless properly authorized in writing by the chief of police of the city or properly authorized to act as a parking management service on behalf of the city.

SECTION 3: Section 162-266 of the City of Atlanta Code of Ordinances presently provides as follows:

Sec. 162-266. Vehicle not immobilized upon operator of vehicle returning.

The operator of any vehicle immobilization service shall not immobilize a vehicle and shall not charge a fee if the driver of the vehicle returns before the installation of the vehicle immobilization device is complete.

SECTION 4: Section 162-266 of the City of Atlanta Code of Ordinances is hereby amended, as set out below in bold text.

Sec. 162-266. Vehicle not immobilized upon operator of vehicle returning.

Subject to the provisions of Section 150-88(h) of the Atlanta City Code of Ordinances, which specifically authorizes the immobilization of a vehicle located on a public street if the vehicle has been issued a minimum of three delinquent parking tickets, the operator of any vehicle immobilization service shall not immobilize a vehicle and shall not charge a fee if the driver of the vehicle returns before the installation of the vehicle immobilization device is complete.

SECTION 5: All ordinances or parts of ordinances in conflict with this ordinance are hereby waived to the extent of any such conflict.

RCS# 71
2/15/10
2:39 PM

Atlanta City Council

REGULAR SESSION

CONSENT II

REFER

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	NV Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	NV Sheperd	NV Mitchell

CONSENT II

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Transportation Committee

Caption: AN ORDINANCE, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE OF AMENDING CHAPTER 162 (ENTITLED "VEHICLES FOR HIRE"), AT ARTICLE IV (ENTITLED "WRECKERS AND TOWING SERVICES"), SECTION 162-234, AND AT ARTICLE V (ENTITLED "VEHICLE IMMOBILAZATION SERVICES"), SECTION 162-266, IN ORDER TO PERMIT THE IMMOBILIZATION AND TOWING OF PARKED VEHICLES IN VIOLATION OF CHAPTER 150 (ENTITLED "TRAFFIC AND VEHICLES"), ARTICLE IV (ENTITLED "STOPPING, STANDING AND PARKING"), SECTIONS 150-88 (c)(6) AND 150-88(h); AND FOR OTHER PURPOSES.

Council Meeting Date: February 15, 2010

Requesting Dept.: Department of Public Works

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to amend Chapter 162, Article IV, Section 162-234, and Article V, Section 162-266 of the City of Atlanta Code of Ordinances to permit the immobilization and towing of parked vehicles in violation of Chapter 150, Article IV, Sections 150-88(c) and 150-88(h).

2. Please provide background information regarding this legislation.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

(c) **Bids/Proposals Due:**

(d) **Invitations Issued:**

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center:

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Soraya Belgrave

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CHIEF OF STAFF

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Department of Public Works

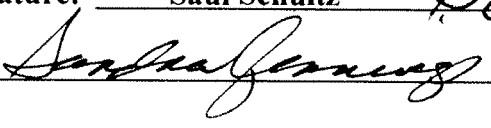
Committee(s) of Purview: Transportation Committee

Chief of Staff Deadline: January 12, 2010

Anticipated Committee Meeting Date(s): February 9, 2010

Anticipated Full Council Date: February 15, 2010

Legislative Counsel's Signature: Saul Schultz 

Commissioner Signature: 


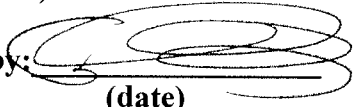
Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE OF AMENDING CHAPTER 162 (ENTITLED "VEHICLES FOR HIRE"), AT ARTICLE IV (ENTITLED "WRECKERS AND TOWING SERVICES"), SECTION 162-234, AND AT ARTICLE V (ENTITLED "VEHICLE IMMOBILIZATION SERVICES"), SECTION 162-266, IN ORDER TO PERMIT THE IMMOBILIZATION AND TOWING OF PARKED VEHICLES IN VIOLATION OF CHAPTER 150 (ENTITLED "TRAFFIC AND VEHICLES"), ARTICLE IV (ENTITLED "STOPPING, STANDING AND PARKING"), SECTIONS 150-88 (c)(6) AND 150-88(h); AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 1.15.10  Reviewed by:  1/27/10
(date) (date)

Submitted to Council: _____